

**CHARTER OF THE ADVISORY COMMITTEE
FOR AVIATION CONSUMER PROTECTION
U.S. DEPARTMENT OF TRANSPORTATION**

1. **COMMITTEE'S OFFICIAL DESIGNATION:** The Committee shall be known as the Advisory Committee for Aviation Consumer Protection (ACACP).
2. **AUTHORITY:** This charter establishes the ACACP pursuant to section 411 of the FAA Modernization and Reform Act of 2012, Pub. L. No. 112-95, 126 Stat. 11 (2012), as most recently amended by section 1102 of the FAA Extension, Safety, and Security Act of 2016, Pub. L. 114-190, 130 Stat. 615 (2016), and sets forth policies for its operation. The ACACP is established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App. 2. The formation of the ACACP is determined to be in the public interest.
3. **OBJECTIVES AND SCOPE OF ACTIVITIES:** The ACACP shall advise the U.S. Secretary of Transportation (the Secretary) in carrying out Department of Transportation activities related to aviation customer service improvements.
4. **DESCRIPTION OF DUTIES:** The ACACP will carry out the following tasks:
 - a. Evaluate existing aviation consumer protection programs and provide recommendations to the Secretary for the improvement of such programs, if needed; and
 - b. Provide recommendations to the Secretary for establishing additional aviation consumer protection programs, if needed.
5. **OFFICIAL TO WHOM THE ACACP REPORTS:** The ACACP shall report to the Secretary of Transportation through the Office of the General Counsel in the Office of the Secretary.
6. **SUPPORT:** The Office of the General Counsel serves as Sponsor of the ACACP.
7. **ESTIMATED ANNUAL OPERATING COSTS AND STAFF YEARS:**
 - a. Operating expenses are borne by the Office of the Secretary. The estimated annual cost to the Government is \$100,000 and .3 staff years to cover meeting logistics (e.g., meeting expenses, travel, and other support costs), technical support (e.g., establishing and managing a repository of documents associated with ACACP business, as well as drafting, reviewing, and editing ACACP documents and correspondence), and giving presentations at committee meetings.
 - b. Members of the ACACP shall serve without pay but may receive travel and per diem expenses in accordance with 5 U.S.C., chapter 57, subchapter I.

8. **DESIGNATED FEDERAL OFFICER AND ACACP CHAIRPERSON:**

- a. The Assistant General Counsel for Aviation Enforcement and Proceedings, or designee, will serve as the Designated Federal Official (DFO) for the ACACP.
- b. The DFO approves or calls all of the ACACP and subcommittee meetings, develops and approves the agenda in advance in consultation with the Chairperson, and must be present at each ACACP meeting. The DFO chairs meetings when directed to do so by the official to whom the ACACP reports and has the authority to adjourn meetings whenever such action is deemed to be in the public interest. The DFO works with the Chairperson to maintain order.
- c. The DFO shall furnish minutes of each ACACP meeting to the Sponsor. The Chairperson shall certify the accuracy of the minutes.
- d. Under 49 U.S.C. § 41708, authority is delegated to the DFO to require special reports to carry out the duties of the ACACP.
- e. The Chairperson of the ACACP shall be designated by the Secretary from among the individuals appointed to the ACACP.
- f. The Chairperson conducts each meeting using generally accepted meeting management techniques, provides an opportunity for participation by each member and, as appropriate, by public attendees, ensures adherence to the agenda, works with the DFO to maintain order, and prepares any recommendations to be submitted to the Secretary.

9. **MEETINGS:**

- a. Frequency: Meetings will be held in Washington, DC, at the discretion of the DFO. It is anticipated that the ACACP will meet two times during each 12-month period following the ACACP's establishment. Special meetings and subcommittee meetings may be called as necessary. Notice of each scheduled ACACP meeting will be published at least 15 calendar days prior to the date of the meeting in the *Federal Register*. Notice shall include the agenda, date, time, location, and purpose of the meeting.
- b. Participation of the Public: All meetings will be open to the public, except as provided under section 10(d) of FACA, as implemented by 41 CFR § 101-6.10, the Government in the Sunshine Act (5 U.S.C. § 522b(c)), 41 CFR Part 102-3, and DOT Order 1120.38B. Members of the public will be given the opportunity to appear before or file statements with the ACACP as determined by the DFO.
- c. Voting: A quorum must exist for any official action, including voting on a recommendation, to occur. A quorum exists whenever three of the appointed members are present. In any situation involving voting, the majority vote of members present will prevail, but the views of the minority will be reported as well. If there is

no majority vote, the result ‘No Consensus’ must be reported, followed by the views of each voting faction. Any member, including the Chairman, may make a motion for a vote.

10. **DURATION:** Continuing.
11. **TERMINATION:** The ACACP shall terminate on September 30, 2017, pursuant to section 411(h) of the FAA Modernization and Reform Act of 2012 and section 1102 of the FAA Extension, Safety, and Security Act of 2016, unless extended by Congress or renewed in accordance with FACA.
12. **MEMBERSHIP AND DESIGNATION:**
 - a. The ACACP will comprise individuals appointed by the Secretary in accordance with 41 CFR 102-3.130(a). ACACP members will be one representative each of:
 - i. air carriers;
 - ii. airport operators;
 - iii. State or local governments with expertise in consumer protection matters; and
 - iv. nonprofit public interest groups with expertise in consumer protection matters.
 - b. Members serve at the pleasure of the Secretary and may be replaced at any time for any reason, including non-participation. Members’ terms shall commence when they are appointed by the Secretary and shall not exceed two years or the authorized period of the Committee, whichever is shorter.
13. **SUBCOMMITTEES:** The DFO may establish subcommittees to perform specific assignments. The Chairman may designate members to serve on the subcommittees.
 - a. Subcommittees shall not work independently of the chartered ACACP, shall report all of their recommendations and advice to the full ACACP, and shall not provide advice or work products directly to the Sponsor or any Federal agency.
 - b. Any recommendations by subcommittees are subject to approval by the ACACP as a whole in order to become recommendations to the Secretary.
14. **RECORDKEEPING:** The records of the Committee, formally and informally established subcommittees, or other subcommittees of the Committee, shall be handled in accordance with General Records Schedule 6.2 or other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. § 552. An agency docket will also be established for ACACP documents. To the extent that there is a discussion of issues concerning ongoing rulemaking proceedings during an ACACP meeting, the minutes of that meeting will be placed in the appropriate docket.
15. **REPORTS:** No sooner than the conclusion of the fourth meeting of the Committee, the ACACP shall submit to the Secretary recommendations, if any, concerning any needed

improvements to existing aviation consumer protection programs and the need for establishing any additional aviation consumer protection programs.

16. **FILING DATE:** The filing date of this charter is December 28, 2016. Unless renewed, it will expire 2 years from the date of filing, or when the statutory authority expires, whichever is sooner.